

In the Office Action the claims were rejected over the patent to Alanara in view of the patent to Bobo taken singly or in combination with the patent to Vanttila, Windbladh, Söderbacka, Prust.

At the same time, claim 72 was allowed.

The Examiner's indication of the allowance of claim 72 has been gratefully acknowledged. In connection with this indication, claim 72 has been retained as it was.

At the same time, it is respectfully submitted that in the applicant's opinion the rejected claims should also be considered as patentably distinguishing over the art and should also be allowed.

Turning now to the references and in particular to the patent to Alanara, it can be seen that this reference discloses a method of operating a radio telephone for the reception of digital coded broadcast messages from a radio channel. The radio broadcast messages are short messages which are transmitted by a transmitter through a common short message radio channel S-BCCH to several mobile stations (point-to-multipoint) as explained in column 1, lines 6-16. This reference therefore deals with transmitted short messages, and short messages which are sent to a plurality of subscribers, in contrast to the method of claim 17 which the short message is transmitted

only for a predetermined subscriber ("for the subscriber") of the telecommunication network.

The method disclosed in this reference therefore includes tracking by the individual subscriber of the special channel S-BCCH provided for the broadcast messages for generally transmitted broadcast messages as explained in column 2, lines 45-48. For these messages different categories are provided, for example emergency numbers, street information, airplane information, weather information, news and finance information as explained in column 2, lines 9-14. The user of the mobile station can therefore receive definite broadcast messages depending on the categories. For this purpose the broadcast messages contain a category field which indicates what type of the broadcast message is. This category field is evaluated and checked by the corresponding mobile station whether it corresponds to the category selected by the user. When this is the case, then the short message received through the broadcast channel S-BCCH is stored in a memory of the mobile station and displayed on a display device, which can be formed acoustically as disclosed in column 2, lines 15-57.

The method disclosed in this reference for transmission of broadcast messages is completely different from the method defined in claim 37. While in the reference a sender, through a broadcast channel S-BCCH

provided especially for this, sends short messages to a plurality of subscribers which can be received by tracking the channel and can be evaluated for example depending on the category, in the applicant's invention as defined in claim 37 the short message is transmitted for a subscriber of the telecommunication network. The short message is thereby not transmitted to the subscriber or to all subscribers, but instead to the telecommunication network.

This constitutes a significant difference between the method defined in claim 37 and the method disclosed in the reference. In accordance with claim 37, the "notification message" is transmitted to the subscriber, which is however different from the short message as accepted by the Examiner. Such a "notification message" is not disclosed in the patent to Alanara and is not used there, since in accordance with the reference each of the short messages is made available through the radio channel S-BCCH directly and to all subscribers.

The "notification message" includes a first data field of the short message with the information about the content and/or make up of the short message. The "notification message" can therefore be significantly shorter than the short message, so that by the transmission of "notification message" to the subscriber, when compared with the transmission of the short

message to the subscriber, at least brand width is saved. The brand width required for the short message must first be made available when the subscriber downloaded the complete short message from the telecommunication network. Thereby with the method defined in claim 37, a brand width efficiency is provided by point-to-point transmission of short messages, in contrast to the point-to-multipoint transmission of the short messages disclosed in the references. A special channel for short messages is therefore not needed with the method defined in claim 37.

In addition to the difference which is accepted by the Examiner, in accordance with which the reference, in contrast to the method defined in claim 37, does not disclose that the "notification message" is provided which is different from the short message, claim 37 defines an additional feature that the short message is transmitted for the subscriber to the telecommunication network, whereas to the subscriber the "notification message" which is different from the short message is transmitted.

The patent to Bobo discloses a message storage and supply system MSDS, which is connected to an open telephone network. The MSDS receives incoming calls, such as for example fax, speech or data transmissions. The MSDS detect the type of the call and stores the message in a databank. The MSDS is also connected with the internet and can

receive inquiries from subscribers. The MSDS supplies the inquiries for predetermined data and messages to a server of the network, which transmits at least a part of the messages through a "Hyper Text Transfer Protocol Deamon" HTTD to the subscriber. Correspondingly, also inquiry can be processed after an internet search, which transmits the search results through HTTPD to the subscriber. The subscriber can then select one or several data or messages from the search results and store the search for a further use (abstract). In view of the transmission of messages to the computer of the subscriber, the MSDS allows the subscriber to track speech messages or fax messages in form of a preview without transmitting by the MSDS of the complete message to the computer. This tracking possibility is a significant advantage, since the transmission of the total message to the computer leads to a longer time. By means of the preview and tracking possibility, the subscriber can determine whether a transmission of the message to a computer is required.

It should be mentioned first of all that the messages disclosed in the patent to Bobo (speech, fax, data messages), in contrast to the method of the present invention as defined in claim 37, deal with so-called short messages, for which a standard is provided in GSM and UMTS and also as disclosed in the patent to Alanara. Moreover, in the method of the patent to Bobo conventional incoming calls (abstract, lines 3-4) are dealt with.

Furthermore, the patent to Bobo in contrast to the method of claim 37, does not disclose any "notification messages" which include a first data field of the short messages information about a make up and/or the content of the short message. Moreover, the patent to Bobo, as explained in column 22, lines 24-33, provide for a tracking or preview possibilities. In case of a fax message, for this purpose a message is produced which contains in the text form the informations about the fax messages, for example data and time, in which the message was received in the MSDS, the telephone number of the sender, the number of the pages, the page size and the size of the fax message in bytes, as explained in column 9, lines 49-62. The corresponding message is produced obviously by the MSDS and includes no data field of the fax message itself. This is true for the second-fifth options disclosed in column 9, lines 63, to column 10, lines 33. The images of the fax message which are produced by the MSDS in different sizes and numbers and transmitted to the computer of the subscriber, realize a described preview possibility. The fax message or only a part of the fax message is not transmitted to the subscriber. With these options in the images of the fax messages transmitted to the subscriber no data field and thereby no part of the fax message are provided.

In the case of an audio message disclosed in column 14, lines 24-33, for example the first five seconds of the message are transmitted as

a short-sampling of the message to a subscriber. This is an acoustic signal and has nothing to do with a data field as defined in claim 37.

It is therefore believed to be clear that the patent to Bobo, in contrast to the method defined in claim 37, does not disclose the transmission of the short messages, nor the transmission of a "notification message" with a data field of the message determined for the subscriber.

It is further respectfully submitted that the features of claim 37 which are not disclosed in the patent to Alanara can not be compensated by the combination of this reference with the patent to Bobo, since both references disclose completely different systems which having nothing to do with one another. While in the patent to Alanara the transmission of broadcast messages through its own radio channel to a plurality of subscribers is provided, the patent to Bobo discloses a message storing and supplying system which serves for receiving and storing incoming calls in a databank for eventually later inquiry by the addressed subscriber.

The method of the present invention as defined in claims 37 is not disclosed in these two references and can not be derived from them as a matter of obviousness. For the same reasons, the subject matter of claim 71 can not be derived from the combination of these references. It is

respectfully submitted that the arguments presented by the Examiner with respect to 71 are not consistent with the arguments presented with respect to claim 37. Claim 71 includes the features as claim 37. With respect to claim 71, the Examiner indicated that the patent to Alanara disclosed the features, while with respect to claim 37 the Examiner indicated that the patent to Alanara and Bobo have to be combined to arrive at the applicant's invention.

Claim 71, when compared with claim 37, discloses additional features. First of all, it includes the features that a message is sent to a subscriber, which includes informations about the presence of the short message transmitted to the telecommunication network. Secondly, there is a feature in accordance with which the "notification message" is transmitted to the subscriber only when the subscriber first had sent a request signal to the telecommunication network. As for the first feature of the message for indicating the presence of short message in the telecommunication network, the Examiner did not take any stand. As for the second feature, the Examiner referred to the patent to Vanttila.

The patent to Vanttila discloses a radio telephone with a keyboard and a display device, for displaying the messages of a subscriber. The method includes the steps of a transmission of a point-to-point short

message from an operator through a network to a radio telephone. It further discloses the reception of the short message from the network. It also discloses the interpretation of the received short message. Finally, it discloses the activation of a network operating function which is specified in the received short message. Furthermore, the method discloses the step of transmission of a short message from the radio telephone to the operator, wherein the short message causes the activation of the network function.

In this reference, as explained in column 6, lines 5-40, there is a communication between the operator and the subscriber by means of SMS-short messages. Thereby from the operator and from the subscriber corresponding SMS short messages are produced, which are directly transmitted between the operator and the subscriber, without providing a short message which informs about the presence of a short message and the telecommunication network and without "a notification message" which informs about content and/or make up of the SMS-short messages and moreover a data field of the SMS-short messages. Since such a "notification message" is not disclosed in this reference, this reference therefore does not teach the feature of claim 71 in accordance with which such a "notification message" is sent only after the request of the subscriber.

It is believed that this reference also does not teach the new features of the present invention as now defined in claim 71.

It is therefore submitted that claim 71 defines the method which can not be derived from the combination of the above discussed three references and therefore this claim should also be considered as patentably distinguishing over the art and should be allowed.

As for the other claims, these claims depend on the independent claim, they share its presumably allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be

helpful in advancing this case to allowance, he is invited to telephone the  
undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233